



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/086,427	06/29/93	GOSPODAROWICZ	0953,001

18N1/0214

AMY L. COLLINS
CHIRON CORP.
4560 HORTON ST.
EMERYVILLE, CA 94608

EXAMINER	
KEMMERER, E	
ART UNIT	PAPER NUMBER
1812	12

DATE MAILED:

02/14/95

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

☐ THE PERIOD FOR RESPONSE:

- a) ☐ is extended to run _____ or continues to run _____ from the date of the final rejection
- b) ☐ expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☒ Appellant's Brief is due in accordance with 37 CFR 1.192(a).
- ☒ Applicant's response to the final rejection, filed 30 JANUARY 1995 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☒ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
- a. ☐ There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
- b. ☒ They raise new issues that would require further consideration and/or search. (See Note).
- c. ☐ They raise the issue of new matter. (See Note).
- d. ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- e. ☒ They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: New issues: the newly submitted claims directed to KGF fragment 55-194 raise new issues under 35 USC 112, since the specification does not appear to have any support for this fragment or its analogs. Also, a new search would have to be conducted for this newly introduced fragment.

2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing an appeal, the proposed amendment ☐ will be entered ☒ will not be entered and the status of the claims will be as follows:

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-4, 9

Claims withdrawn: 5-8, 10-23

However:

- ☒ Applicant's response has overcome the following objections: requirements to review application for clerical errors, if the amendment had been entered & presented separate from the above new issue it would be sufficient to overcome the objections of reduced cytotoxicity for KGFest-23 has been presented. Claims 1 & 9, although amended to remove "analog" language, still encompass KGF fragments other than KGF₁₋₂₄.
4. ☒ The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because no evidence of reduced cytotoxicity for KGFest-23 has been presented. Claims 1 & 9, although amended to remove "analog" language, still encompass KGF fragments other than KGF₁₋₂₄.
5. ☐ The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

☐ The proposed drawing correction ☐ has ☐ has not been approved by the examiner.

☐ Other

such as, eg., KGF fragment from ~~23~~ 24 to 30.

Garnette D. Draper

GARNETTE D. DRAPER
SUPERVISORY PRIMARY EXAMINER
GROUP 1800